

## **REMARKS:**

Entry of the above amendments, and reconsideration and further examination of this application as amended is respectfully requested. Please cancel claims 2, 7, 11, 15, 22, 27, 31, and 35 without prejudice or disclaimer of the subject matter contained therein. Claims 1, 3-6, 8-10, 12-14, 16-21, 23-26, 28-30, 32-34, and 36-40 remain in the application.

The amendments submitted above to certain paragraphs in the specification have been done so to correct informalities, such as switched, omitted, or incorrect figure reference numbers, and to correct grammatical or spelling errors. Specifically, the amendment made to the paragraph on pages 3-4 was done to correct a spelling error. The amendment made to the paragraph on page 19 was done to eliminate an inadvertent space between the last word and the period of the sentence.

The amendments submitted to the figures have been done so to correct informalities, such as switched, omitted, or incorrect figure reference numbers, and to correct grammatical or spelling errors. Specifically, the amendment made to FIG. 3 was done to correct a spelling error within a text box.

The amendments submitted above to certain claims have been done so either in response to the Examiner's rejections or objections or to correct claim dependency, to correct antecedent basis, to put the claim in conventional form, to correct punctuation, improper word usage, and the like. Specifically, claims 3, 4, 8, 9, 12, 13, 16, 17, 23, 24, 28, 29, 32, 33, 36, and 37 were amended to correct claim dependency due to their prior dependence on now cancelled claims. Claims 4, 6, 9, 17, 21, 24, 26, 29, 30, 37, and 38 were amended to correct the antecedent basis for a claim element. Claim 40 was amended to correct an error in claim dependency found by Applicant. No new matter has been introduced through any of these amendments.

### **A. Objections to the Specification For Informalities**

The Examiner objected to the disclosure because of the following informalities:

1. Page 4, line 3: The word "cites" has been corrected to read "cities".

**B. Rejection of Claims  
Under 35 U.S.C. § 102(e)**

1. The Examiner has rejected claims 1-3, 7-8, 19-20, 21-23, 27-28, and 39-40 under 35 U.S.C. §102(e) as being anticipated by Marchoili et al., U.S. Patent No. 6,233,588.

In response, Applicant has canceled claims 2, 7, 22, and 27, making the rejection moot as to these claims, and has amended independent claims 1 and 21 to more distinctly distinguish Applicant's invention through the further limitations of:

connecting said first external communications interface to a public internet via a first communications channel; and

accessing a web site associated with said first integrated building services system by a user to gain access by said user to utilize said at least one integrated building service of said first building element;

wherein said at least one integrated building service is a one of at least one service device, at least one client device at least one client application, and at least one MIS application.

Support for these amendments may be found in the specification on page 5, lines 5-7 and page 18, lines 21-25 and in reference to FIGS. 1, 2, 8, and 9. Applicant submits that Marchoili et al. does not teach nor suggest these additional limitations. Marchoili et al. is silent with respect to granting a user access through a web site over the Internet to an integrated building service, where the integrated building service is a service device, a client device, a client application, or an MIS application. Since the Marchoili et al. reference does not disclose expressly or inherently all of the elements and limitations of Applicant's amended claims 1 and 21, Applicant believes that these claims are not anticipated by Marchoili et al. and requests withdrawal of the Examiner's rejection under 35 U.S.C. §102(e).

Claims 3, 8, 19-20, 23, 28, and 39-40, depend directly or indirectly from independent claims 1 or 21 and include all the elements and limitations thereof. As a result, and in light of the foregoing remarks concerning independent claims 1 and 21, Applicant likewise believes that claims 3, 8, 19-20, 23, 28, and 39-40 also overcome the Examiner's rejection based on Marchoili et al. under 35 U.S.C. §102(e), and withdrawal of that rejection in respect to these claims is respectfully requested.

2. The Examiner has rejected claims 1, 11-12, 21, and 31-32 under 35 U.S.C. §102(e) as being anticipated by McCarthy et al., U.S. Patent No. 6,498,955.

In response, Applicant has canceled claims 11 and 31, making the rejection moot as to these claims, and has amended independent claims 1 and 21 to more distinctly distinguish Applicant's invention through the further limitations of:

connecting said first external communications interface to a public internet via a first communications channel; and

accessing a web site associated with said first integrated building services system by a user to gain access by said user to utilize said at least one integrated building service of said first building element;

wherein said at least one integrated building service is a one of at least one service device, at least one client device at least one client application, and at least one MIS application.

Support for these amendments may be found in the specification on page 5, lines 5-7 and page 18, lines 21-25 and in reference to FIGS. 1, 2, 8, and 9. Applicant submits that McCarthy et al. does not teach nor suggest these additional limitations. McCarthy et al. is silent with respect to granting a user access through a web site over the Internet to an integrated building service, where the integrated building service is a service device, a client device, a client application, or an MIS application. Since the McCarthy et al. reference does not disclose expressly or inherently all of the elements and limitations of Applicant's amended claims 1 and 21, Applicant believes that these claims are not anticipated by McCarthy et al. and requests withdrawal of the Examiner's rejection under 35 U.S.C. §102(e).

Claims 12 and 32 depend directly or indirectly from independent claims 1 or 21 and include all the elements and limitations thereof. As a result, and in light of the foregoing remarks concerning independent claims 1 and 21, Applicant likewise believes that claims 12 and 32 also overcome the Examiner's rejection based on McCarthy et al. under 35 U.S.C. §102(e), and withdrawal of that rejection in respect to these claims is respectfully requested.

3. The Examiner has rejected claims 1, 15-16, 21, and 35-36 under 35 U.S.C. §102(e) as being anticipated by Gupta, U.S. Patent No. 6,446,109.

In response, Applicant has canceled claims 15 and 35, making the rejection moot as to these claims, and has amended independent claims 1 and 21 to more distinctly distinguish Applicant's invention through the further limitations of:

connecting said first external communications interface to a public internet via a first communications channel; and

accessing a web site associated with said first integrated building services system by a user to gain access by said user to utilize said at least one integrated building service of said first building element;

wherein said at least one integrated building service is a one of at least one service device, at least one client device at least one client application, and at least one MIS application.

Support for these amendments may be found in the specification on page 5, lines 5-7 and page 18, lines 21-25 and in reference to FIGS. 1, 2, 8, and 9. Applicant submits that Gupta does not teach nor suggest these additional limitations. Gupta does not grant a user access through a web site over the Internet to an integrated building service, where the integrated building service is a service device, a client device, a client application, or an MIS application. Since the Gupta reference does not disclose expressly or inherently all of the elements and limitations of Applicant's amended claims 1 and 21, Applicant believes that these claims are not anticipated by Gupta and requests withdrawal of the Examiner's rejection under 35 U.S.C. §102(e).

Claims 16 and 36 depend directly or indirectly from independent claims 1 or 21 and include all the elements and limitations thereof. As a result, and in light of the foregoing remarks concerning independent claims 1 and 21, Applicant likewise believes that claims 16 and 36 also overcome the Examiner's rejection based on Gupta under 35 U.S.C. §102(e), and withdrawal of that rejection in respect to these claims is respectfully requested.

**C. Rejection of Claims**  
**Under 35 U.S.C. § 103(a)**

1. The Examiner has rejected claims 4-5, 9-10, 24, 26, and 29-30 under 35 U.S.C. §103(a) as being unpatentable over Marchoili et al. in view of Maeda, U.S. Patent No. 6,557,033.

In response, Applicant has amended independent claims 1 and 21 as described above in section B to remove Marchoili et al. as anticipatory prior art under 35 U.S.C. §102(e). The additional elements not disclosed by Marchoili et al. are also not disclosed by Maeda. Since

claims 4-5, 9-10, 24, 26, and 29-30 depend directly or indirectly from independent claims 1 and 21 and include all the elements and limitations thereof, combining Maeda with the teaching of Marchoili et al. cannot arrive at Applicant's claimed invention as embodied in claims 4-5, 9-10, 24, 26, and 29-30. Applicant thus believes that claims 4-5, 9-10, 24, 26, and 29-30 now overcome the Examiners rejection based on Marchoili et al. in view of Maeda, and withdrawal of that rejection in respect to these claims is respectfully requested.

2. The Examiner has rejected claims 6 and 25 under 35 U.S.C. §103(a) as being unpatentable over Marchoili et al. in view of Maeda as applied to claims 4-5, 24, and 26, and further in view of Byford, U.S. Patent No. 6,581,161.

In response, Applicant has amended independent claims 1 and 21 as described above in section B to remove Marchoili et al. as anticipatory prior art under 35 U.S.C. §102(e). The additional elements not disclosed by Marchoili et al. are also not disclosed by Maeda nor Byford. Since claims 6 and 25 depend directly or indirectly from independent claims 1 and 21 and include all the elements and limitations thereof, combining Maeda and Byford with the teaching of Marchoili et al. cannot arrive at Applicant's claimed invention as embodied in claims 6 and 25. Applicant thus believes that claims 6 and 25 now overcome the Examiners rejection based on Marchoili et al. in view of Maeda, and further in view of Byford, and withdrawal of that rejection in respect to these claims is respectfully requested.

3. The Examiner has rejected claims 13-14 and 33-34 under 35 U.S.C. §103(a) as being unpatentable over McCarthy et al. in view of Fontana et al., U.S. Patent No. 6,167,564.

In response, Applicant has amended independent claims 1 and 21 as described above in section B to remove McCarthy et al. as anticipatory prior art under 35 U.S.C. §102(e). The additional elements not disclosed by McCarthy et al. are also not disclosed by Fontana et al. Since claims 13-14 and 33-34 depend directly or indirectly from independent claims 1 and 21 and include all the elements and limitations thereof, combining Fontana et al. with the teaching of McCarthy et al. cannot arrive at Applicant's claimed invention as embodied in claims 13-14 and 33-34. Applicant thus believes that claims 13-14 and 33-34 now overcome the Examiners rejection based on McCarthy et al. in view of Fontana et al., and withdrawal of that rejection in respect to these claims is respectfully requested.

4. The Examiner has rejected claims 17-18 and 37-38 under 35 U.S.C. §103(a) as being unpatentable over Gupta in view of Smith, U.S. Patent No. 6,349,408.

In response, Applicant has amended independent claims 1 and 21 as described above in section B to remove Gupta as anticipatory prior art under 35 U.S.C. §102(e). The additional elements not disclosed by Gupta are also not disclosed by Smith. Since claims 17-18 and 37-38 depend directly or indirectly from independent claims 1 and 21 and include all the elements and limitations thereof, combining Smith with the teaching of Gupta cannot arrive at Applicant's claimed invention as embodied in claims 17-18 and 37-38. Applicant thus believes that claims 17-18 and 37-38 now overcome the Examiner's rejection based on Gupta in view of Smith, and withdrawal of that rejection in respect to these claims is respectfully requested.

CONCLUSION:


A bona-fide attempt has been made to place this application in condition for allowance. Each of the Examiner's bases for objection and rejection have been addressed and the claims have been amended, canceled, or arguments presented to overcome such rejections. The application is now believed to meet all statutory requirements and is thus believed to be in condition for allowance. The Examiner's early indication to that effect is, therefore, courteously solicited.

If a telephone conference would expedite allowance or resolve any additional questions, such a call is invited at the Examiner's convenience.

Applicant does not believe that any fees are due with this response. If this is not the case, please charge any additional fees due, or credit any overpayment to, deposit account 50-0792.

Respectfully submitted,

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## **APPENDIX**



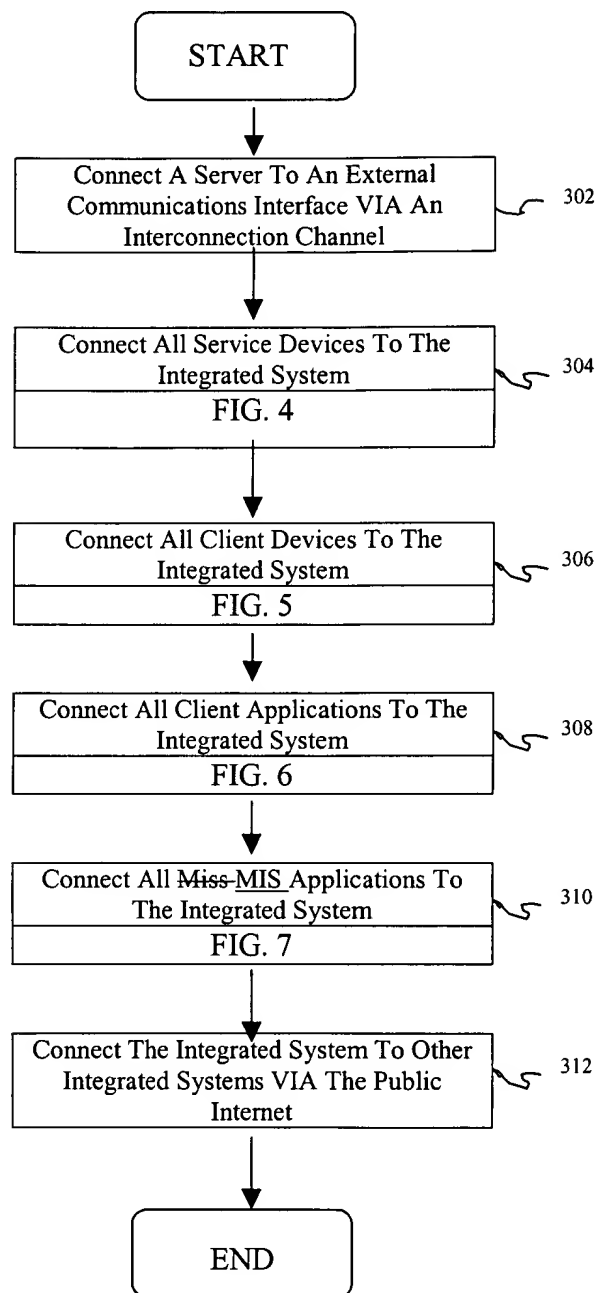


FIG. 3